

REMARKS

1. Restriction Requirement

While the finality of the Restriction Requirement is noted, Applicant respectfully disagrees with the characterization of Claims 12 and 19 in the Office Action as “simply product by product claims [that] do not link inventions, but rather are a mere short hand form of claims which otherwise would need to recite elements too cumbersome to incorporate into a single claim” (Office Action, p. 2). Rather, those claims are Beauregard claims that have been drafted to comply with the Office’s Examination Guidelines for Computer-Related Inventions as described in MPEP 2106 and to be linked respectively with independent method Claims 1 and 8. Neither of Claims 12 and 19 uses any short-hand formulation, but instead recites every limitation explicitly without reference to any other claim.

Compliance with MPEP 2106 is believed to have ensured that the claims of Group III encompass any and every product included in Groups I and II. For example, it is believed that because the instructions recited in Claim 12 have a direct correspondence with the steps of Claim 1 that these claims stand or fall together. Similarly, the patentability of each apparatus claim in Group III hinges on the patentability of a corresponding method claim in Group I or II. Applicant therefore requests reconsideration of the Restriction Requirement and rejoinder of at least Claims 12 – 18 as Beauregard claims corresponding to the method claims of Group I.

2. Claims

Claims 1 – 7 have been examined and stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 6,631,849 (“Blossom”) in view of U.S. Pat. No. 5,930,764 (“Melchione”). The Office Action cites Col. 3, l. 48 of U.S. Pat. No. 5,649,118 (“Carlisle”) as documentary support for the statements made in connection with Claims 6 and 7 that “the step of

applying only what is available in either credit or value to a cost and/or splitting same between them is deemed an old an[d] obvious expedient.”

Independent Claims 1 and 12 have been amended to recite aspects of the invention more particularly. Specifically, these claims have been amended to require receipt of “a response to the request that identifies a selected distribution identifying a first nonzero portion of the cost for the transaction to be applied to the stored-value account and a second nonzero portion of the cost for the transaction to be applied to the credit account” (*see Application*, p. 12, l. 17 – p. 13, l. 25). As such, it is believed that the interpretation of Claim 1 described in the Office Action is precluded by making explicit the fact that the response must identify separate nonzero portions of the cost to be applied to each of the stored-value and credit accounts.

Applicant respectfully disagrees with the assertion in the Office Action that Melchione discloses that “the stored value account and the credit account were linked substantially contemporaneously with issuance of the instrument to the customer.” The Office Action cites the Abstract of Melchione and, in particular, its disclosure of opening an account and communicating, in a single session, to a central database, micromarketing centers, central customer information systems and branch systems. This portion of Melchione notably lacks any discussion of issuing an instrument to a customer. Even if Melchione could be read as the Office Action asserts to “give enough of a basis to include a stored-value account and a credit account[]” in the linking because of its discussion of accommodating a variety of financial products, it still lacks any teaching of a temporal relationship between that linking and the issuance of an instrument. The claim language requires not only that they were linked, but that they were linked substantially contemporaneously with issuance of the instrument to the customer.

Applicant also respectfully disagrees that the cited portion of Carlisle provides support for the officially noticed facts, which are understood to correspond to the limitations of Claims 6 and 7. What Carlisle discloses is use of a smart card to debit one or more accounts, using a debit priority algorithm to set forth a priority ranking of the accounts according to an identification of items purchased (Carlisle, Col. 3, ll. 44 – 67). The cited portion of Carlisle offers no disclosure of applying a portion of a cost to a stored-value account equal to the current

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value in that account and applying an excess of the cost over the current value to a credit account.

Examination of the claims as amended is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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